

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-cv-00113-MR**

MASON WHITE HYDE-EL,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
ROGER VARGAS,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on Plaintiff’s “Motion to consider Defendant’s responses as admitted and evasive,” [Doc. 33], which the Court construes as a motion to compel discovery.

Pro se Plaintiff Mason White Hyde-El (“Plaintiff”) filed this action on February 25, 2020, pursuant to 42 U.S.C. § 1983, against Defendant Roger Vargas, identified as a deputy in the Iredell County Sheriff’s Office. [Doc. 1]. After the Court ordered Plaintiff to amend his complaint, Plaintiff’s Amended Complaint survived initial review against Defendant Vargas.¹ [Doc. 11]. The current deadline for the parties to complete discovery is April 7, 2021 and

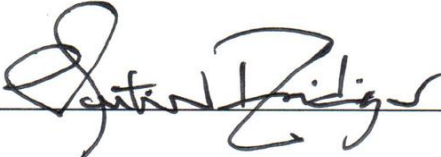
¹ Plaintiff also named Michael Nethken, identified as a magistrate in the Iredell County Magistrate Office, as a Defendant in this matter. The Court dismissed Nethken as a Defendant on initial review of Plaintiff’s original Complaint. [Doc. 9].

the deadline to file dispositive motions is May 7, 2021. [3/11/2021 Docket Entry]. Plaintiff now moves the Court to deem certain discovery responses by Defendant “admitted and evasive,” which the Court construes as a motion to compel discovery. [Doc. 33]. Attached to Plaintiff’s motion are excerpts from Defendant’s responses to Plaintiff’s discovery requests. [Doc. 33-1]. Plaintiff argues that many of Defendant’s responses are internally contradictory, contrary to the evidence, evasive, and/or “require a more reasonable response.” [Doc. 33 at 1-2]. Plaintiff, however, fails to certify that he has conferred or attempted to confer in good faith with Defendant in accordance with Rule 37(a) of the Federal Rules of Civil Procedure before filing this motion.² [See id.]. The Court, therefore, will deny Plaintiff’s motion to compel for Plaintiff’s failure to provide the required certification.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff’s motion [Doc. 33] is **DENIED**.

Signed: March 29, 2021



Martin Reidinger
Chief United States District Judge



² The Court notes that it has reviewed the discovery responses at issue and finds, in large part, that Plaintiff simply disagrees with or does not like Defendant’s responses to Plaintiff’s discovery requests.